

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE  
HALL, ON WEDNESDAY, AUGUST 2, 2000**

**Members Present:** Peter Lilienfield, Chairman  
Jay Jenkins, Secretary  
Allen Morris  
Patrick Natarelli

**Members Absent:** William Hoffman

**Also Present:** Lino J. Sciarretta, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board Member  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Mary Beth Dooley, Environmental Conservation Board  
J&L Reporting Service for Westwood Development Associates  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** **94-03 – Westwood Development Associates, Inc.**  
Broadway, Riverview Road & Mountain Road  
**98-44 – Ciccio & Chernick**  
Riverview Road  
**99-31 – Danfor Realty – Fatato Subdivision**  
Harriman Road  
**00-21 – Mercy College (Informal Discussion)**  
555 Broadway  
**00-22 – Shishir Bhattacharya**  
64 Butterwood Lane East  
**00-23 – Larry Rudolph**  
56 Manor Pond Lane  
**00-24 – Miji Inaba**  
Fieldpoint Drive  
**00-26 – John Brennan & Marian Schuman**  
97 Fargo Lane  
**00-27 – Stanley Rubenzahl**  
76 North Broadway  
**00-28 – Bridge Street Properties, Inc. (Informal Discussion)**  
1 Bridge Street

The Chairman called the meeting to order at 8:00 p.m.

**Administrative:**

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

**IPB Matter #00-28:**

**Bridge Street Properties, Inc.,  
Continuation of Informal Discussion.**

Andrew Lyons, William Thompson, and Walter Sedovic appeared for Bridge Street Properties, Inc., in connection with the continuation of an informal discussion of the proposed construction of an office building at One Bridge Street (an area zoned for industrial use).

The group submitted a Sight-Line Study of the proposed construction with views from various points, including from Main Street. The Board requested information about the Sight-Line from existing apartments in the former Burnham Building, and reiterated its desire to have an inventory of the entire property. After further discussion, the matter was continued to the September 6th meeting.

**IPB Matter #00-26:**

**Application of John Brennan & Marian  
Schuman for Site Development Plan Approval  
for property at 97 Fargo Lane.**

Craig Studer appeared for the applicant. The Application, which was carried over from the July meeting, relates to construction of a swimming pool for which Site Development Plan Approval is required. Plans submitted were: Brennan/Schuman Residence, 97 Fargo Lane, Village of Irvington, New York, by Studer Design Associates last dated August 2, 2000, 4 sheets.

The Applicant (i) provided evidence that all required Notices had been sent, (ii) submitted revised plans showing the relocation of drywells and (iii) otherwise provided evidence of responses to Mr. Mastromonaco's July 12, 2000 comments. There were no comments from the public.

After discussion, upon motion duly made, seconded and unanimously approved, the Board then granted Site Development Plan Approval subject to Mr. Mastromonaco's approval.

**IPB Matter #00-27:**

**Application of Stanley Rubenzahl for  
Amendment of Subdivision Plan at  
76 North Broadway.**

Norman Sheer, Esq., attorney for the Applicant, appeared for the Applicant. The Application, which was carried over from the July meeting, relates to property at 76 North Broadway as to which a subdivision into two lots was approved in 1999. The Applicant desires to redraw the line separating the two lots to include more property in Lot 1 by increasing its size from .724 acres to .94595 acres. There is no change in site capacity. There were no comments from the public or from Mr. Mastromonaco.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted "Resolution Amending Final Subdivision Approval for a 2 Lot Subdivision of Property of Stanley Rubenzahl" dated August 2, 2000, copy attached. Plan entitled Amended Final Subdivision, Plat of Stanley Rubenzahl Property, Situate in the Village of Irvington, Town of Greenburgh, Westchester County, New York, prepared by Thomas C. Merritts, Land Surveyor, dated June 26, 2000, 1 sheet, was submitted.

**IPB Matter #00-24:**

**Application of Miji Inaba for Amendment of  
Approved Subdivision at Fieldpoint Drive.**

The Applicant obtained a variance from the Zoning Board of Appeals with regard to the height of the structure that has been built on the property and has applied to the Planning Board for an amendment of an approved site development plan to permit a change in the approved grading. Plan entitled: As-Built of Grading on Lot 1 of the Goodkind Subdivision, owned by Miji Inaba, Village of Irvington, New York, by Gabriel E. Senor, P.C., dated June 26, 2000 was submitted. Mr. Mastromonaco noted in his letter of July 31, 2000, that the proposed amendment eliminated two retaining walls and does not reflect approved drainage features. There were no comments from the public.

The Board noted that the submitted plans appear to differ in material respects from the plans previously approved by the Board after many months of review. The Board scheduled a site walk for August 26, 2000 and carried this Application over to the September meeting.

**IPB Matter #98-44:**

**Application of Joseph & Denise Ciccio and  
Mitchell & Sheri Chernick for subdivision of  
Property at Riverview Road.**

Norman Sheer, Esq., attorney for the Applicant appeared to continue the Public Hearing on this Application. The Chairman noted that correspondence was exchanged

between the Applicant and Village Counsel regarding the effect of the 1989 Agreement affecting the property.

The Chairman read a letter addressed to him dated August 2, 2000 from Village Counsel, a copy of which is incorporated by reference in these Minutes. The Village Counsel opined that the 1989 Agreement provides access to the property via the water tank site but does not prohibit other possible access points. There were no comments from the public.

There was discussion of the Applicant's desire to use a septic system because of the prohibitive cost of hooking to the existing sewer system. Irvington's local ordinance prohibits the use of private sanitary systems (such as the septic system proposed in this application) unless a building can not be connected to a public sanitary system due to non-availability (ie where such public system is in excess of 100 feet from the property line). This requires approval of the Village Board of Trustees, as well as the County Health Department.

The Chairman requested that the Applicant provide evidence that the proposed subdivision has been discussed with the Department of Public Works and the Fire Department. The Chairman noted further that Tim Miller Associates had been commissioned to undertake the Riverview Road De-mapping study, with preliminary comment anticipated by the September meeting.

The public hearing was adjourned to the September 6, 2000 meeting of the Planning Board, at which time the Board may consider a resolution proposed by the Applicant.

**IPB Matter #99-31:**

**Application of Danfor Realty for Determination  
Of Site Capacity for proposed subdivision of  
P property on Harriman Road.**

Paul J. Petretti appeared for the Applicant. The Application relates to the proposed subdivision of property on Harriman Road. The Board's consideration of this matter had been postponed pending resolution by the Applicant of certain disputes regarding ownership of the subject property.

The Applicant submitted a copy of a Supplemental Order dated July 10, 2000 from the Supreme Court of the State of New York (Westchester) purporting to remove the injunction prohibiting the Applicant from, among other things, transferring, selling or developing the property.

The Chairman presented a letter from Village Counsel, to Gary Ajello, Esq., dated August 2, 2000 requesting that the Applicant submit information regarding orders issued in the litigation and a description of the status of the litigation. Village Counsel has also

requested that Ms. Fatato Danza, the other party to the litigation, advise the Board of her position regarding the proposed subdivision. The Chairman also requested that the Applicant submit a copy of the Deed to Lot 8 of the subject property to confirm the areas that have been sold and new plans with corrected dates.

This Application was carried over to the September 6 meeting.

**IPB Matter #94-03:**

**Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.**

Charles Pateman and Padraic Steinschneider appeared for the Applicant. The proceeding was a continuation of the Public Hearing on the Westwood Development Project, and a transcript was prepared by J&L Reporting Service.

The Board received a letter from Mr. Mastromonaco dated July 12, 2000 addressing the applicant's request for certain waivers and the applicant's proposal that it be permitted to provide certain details at the time of final plan approval rather than at preliminary approval. This was circulated to both the Board and the Applicant for review and comment at the August meeting. Mr. Pateman reported that the Applicant met with Mr. Mastromonaco on August 2, 2000 to review Mr. Mastromonaco's January 12 and July 12 letters and Westwood's June 21<sup>st</sup> response. The Applicant is preparing revised drawings to reflect the discussions with Mr. Mastromonaco; again, the Board reminded the applicant that final determination of these items rested with the Board and not the Board's consultants. The Chairman requested (i) a chart showing each lot's setback and site coverage relationship and (ii) full details of the Ridge Line lots (as to structure, location, driveways, trees, etc.).

The Public Hearing was continued to the Board's September 6, 2000 meeting.

**IPB Matter #00-21:**

**Application of Mercy College for renewal of Special Permit.**

Nathan Dickmeyer, Vice President for Finance and Administration/Treasurer of Mercy College, appeared for the Applicant for the continuation of this informal discussion. The Application relates to the proposed amendment and renewal of the Special Permit granted to Mercy College June 6, 1996. Samuel Abate, Jr., Mayor of the Village of Ardsley, and Brian Murphy, Ardsley Village Counsel, also appeared.

The Chairman noted that the Board had received a letter dated May 22, 2000 from the Applicant outlining certain proposed amendments to the Special Permit, which letter

is incorporated by reference, the principal amendment being the proposed lease of 120 parking spaces to Village of Ardsley residents to provide access to the Ardsley-on-Hudson train station. The Board is awaiting Village Counsel's advice regarding the procedure for amending the Special Permit. The Village Building Inspector confirmed compliance with the terms of the Special Permit is still in process.

The Applicant submitted a survey of parking spaces (Resident and Non-Resident) at the train stations at Irvington, Ardsley-on-Hudson, Dobbs Ferry and Hastings. The survey reflects that Dobbs Ferry grants 75 Non-Resident permits, and the Board was advised that approximately 60% - 70% are used by Ardsley residents. (The Application requests 120 spaces for parking at Mercy College.)

The Applicant advised the Board as follows:

<u>Term</u>	<u>Average Cars per Day at Mercy</u>
Fall `98	685
Fall `99	645
Spring `99	669
Spring 2000	553

The Applicant had no definitive explanation for the changes from the same term year to year, except that enrollment has dropped to a minimal extent, although the College predicts that enrollment will remain at about the same levels for the foreseeable future.

Michael Galante, Traffic Engineer, of Frederick P. Clark Associates, a firm retained by the Village of Ardsley, appeared and gave highlights of a Traffic Study that will be submitted to the Board. The Board requested that special focus be placed on Langdon Avenue (directly across from the entrance), that a traffic accident survey be included in that Study and that the Applicant submit a drawing of the parking lot and its projected use.

The Board briefly discussed the possibility of granting a temporary amendment of the permit to enable it to analyze the effect of permitting the additional parking at Mercy College. The Board then set September 6 as a Public Hearing on this matter (assuming all required information is timely submitted).

**IPB Matter #00-22:**

**Application of Shishir Bhattacharya for Waiver  
Of Site Development Plan Approval for property  
At 64 Butterwood Lane East.**

The Application was carried over to the September 6, 2000 meeting, as no one appeared on behalf of the application.

**IPB Matter #00-23:**

**Application of Larry & Ronna Rudolph for  
Waiver of Site Development Plan Approval for  
Property at 56 Manor Pond Lane.**

The Application was carried over to the September 6, 2000 meeting, as no one appeared on behalf of the application.

The Board then considered the following administrative matters:

- The Minutes for the Planning Board meeting on July 12, 2000 were approved.

**In Lieu Fee Calculation**

The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require the In Lieu Fee which is payable pursuant to Section 207-20 of the Subdivision Regulations by a subdivider who is required to dedicate to the village less than a Proportionate Recreation Share in order to meet New Development Park Demand and is to escalate every January 1 based on the change in the US Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI- W) U.S. City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index in December as a benchmark for the index as of January 1<sup>st</sup> of each year, rather than to use the January index, and to use the index unadjusted for seasonal variation.

The index in December 1988 was 355.0 (1967 = 100). The index in December 1999 was 491.8. The Board then calculated the In Lieu Fee applicable to the calendar year 2000 as follows:

	CPI December 1999 =	491.8
less	CPI December 1988 =	<u>355.0</u>
	Difference of	136.8

$$136.8 / 355.0 = .38535 \text{ or } 38.535\% \text{ increase}$$

$$\$6,000 \times 38.535\% = \$2,312.10 + \$6,000 = \$8,312.10$$

On motion duly made, seconded and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to the calendar year 2000 to be \$8,312.

- The next regular meeting of the Planning Board was scheduled for September 6, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Jay Jenkins, Secretary